

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic
8 who is charged with or convicted of a crime or any other person
9 charged with or convicted of a misdemeanor violation of the Use
10 of Intoxicating Compounds Act and who has not been previously
11 convicted of a violation of that Act may elect treatment under
12 the supervision of a licensed program designated by the
13 Department, referred to in this Article as "designated
14 program", unless:

15 (1) the crime is a crime of violence;

16 (2) the crime is a violation of Section 401(a), 401(b),
17 401(c) where the person electing treatment has been
18 previously convicted of a non-probationable felony or the
19 violation is non-probationable, 401(d) where the violation
20 is non-probationable, 401.1, 402(a), 405 or 407 of the
21 Illinois Controlled Substances Act, or Section 4(d), 4(e),
22 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
23 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),

1 60(b)(4), 60(b)(5), 60(b)(6), or 65 of the Methamphetamine
2 Control and Community Protection Act or is otherwise
3 ineligible for probation under Section 70 of the
4 Methamphetamine Control and Community Protection Act;

5 (3) the person has a record of 2 or more convictions of
6 a crime of violence;

7 (4) other criminal proceedings alleging commission of
8 a felony are pending against the person;

9 (5) the person is on probation or parole and the
10 appropriate parole or probation authority does not consent
11 to that election;

12 (6) the person elected and was admitted to a designated
13 program on 2 prior occasions within any consecutive 2-year
14 period;

15 (7) the person has been convicted of residential
16 burglary and has a record of one or more felony
17 convictions;

18 (8) the crime is a violation of Section 11-501 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance; or

21 (9) the crime is a reckless homicide or a reckless
22 homicide of an unborn child, as defined in Section 9-3 or
23 9-3.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012, in which the cause of death consists of the driving
25 of a motor vehicle by a person under the influence of
26 alcohol or any other drug or drugs at the time of the

1 violation.

2 Nothing in this Section shall preclude an individual who is
3 charged with or convicted of a crime that is a violation of
4 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and
5 Community Protection Act, and who is otherwise eligible to make
6 the election provided for under this Section, from being
7 eligible to make an election for treatment as a condition of
8 probation as provided for under this Article.

9 (Source: P.A. 96-1440, eff. 1-1-11; 97-889, eff. 1-1-13;
10 97-1150, eff. 1-25-13.)

11 Section 5. The Unified Code of Corrections is amended by
12 adding Section 5-6-3.5 as follows:

13 (730 ILCS 5/5-6-3.5 new)

14 Sec. 5-6-3.5. Appropriations to the Department of Human
15 Services for services under the Offender Initiative Program and
16 Second Chance Probation.

17 (a) As used in this Section, "qualified program" means a
18 program licensed, certified, or otherwise overseen by the
19 Department of Human Services under the rules adopted by the
20 Department.

21 (b) Subject to appropriation, the Department of Human
22 Services shall, in collaboration with the appropriate State
23 agency, contract with counties and qualified programs to
24 reimburse the counties and qualified programs for the

1 following:

2 (1) Services relating to defendants eligible for and
3 participating in an Offender Initiative Program, subject
4 to Section 5-6-3.3 of this Code, including:

5 (A) psychiatric treatment or treatment or
6 rehabilitation approved by the Department of Human
7 Services as provided for in subsection (d) of Section
8 5-6-3.3 of this Code; and

9 (B) educational courses designed to prepare the
10 defendant for obtaining a high school diploma or to
11 work toward passing the high school equivalency test or
12 to work toward completing a vocational training
13 program as provided for in subsection (c) of Section
14 5-6-3.3 of this Code.

15 (2) Services relating to defendants eligible for and
16 participating in Second Chance Probation, subject to
17 Section 5-6-3.4 of this Code, including:

18 (A) psychiatric treatment or treatment or
19 rehabilitation approved by the Department of Human
20 Services as provided for in subsection (d) of Section
21 5-6-3.4 of this Code; and

22 (B) educational courses designed to prepare the
23 defendant for obtaining a high school diploma or to
24 work toward passing the high school equivalency test or
25 to work toward completing a vocational training
26 program as provided in subsection (c) of Section

1 5-6-3.4 of this Code.

2 (c) The Department of Human Services shall retain 5% of the
3 moneys appropriated for the cost of administering the services
4 provided by the Department.

5 (d) The Department of Human Services shall adopt rules and
6 procedures for reimbursements paid to counties and qualified
7 programs. Moneys received under this Section shall be in
8 addition to moneys currently expended to provide similar
9 services.

10 (e) Expenditure of moneys under this Section is subject to
11 audit by the Auditor General.

12 (f) The Department of Human Services shall report to the
13 General Assembly on or before January 1, 2016 and on or before
14 each following January 1, for as long as the services are
15 available, detailing the impact of existing services, the need
16 for continued services, and any recommendations for changes in
17 services or in the reimbursement for services.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.